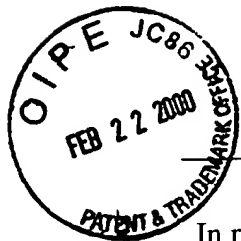


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Utility Application of: RASMUSSEN, et al.

Docket 35115.0400

Filed: 12/18/00

Date: February 22, 2000

Serial No. 09/467,669

For: METHOD AND APPARATUS FOR  
PROCESSING CONTROL USING A MULTIPLE  
REDUNDANT PROCESSOR CONTROL  
SYSTEM

Examiner: Unknown

Group Art: Unknown

*Handwritten signature/initials and the number 3.*

5 Commissioner for Patents

Washington, DC 20231

PETITION TO THE COMMISSIONER  
FOR CORRECTION OF FILING DATE IN  
UTILITY APPLICATION

10 Sir:

On February 8, 2000, the applicant received the Official Filing receipt for the above identified application a copy of which is attached hereto. The filing receipt was mailed to the Phoenix office of applicants firm and not to the attorney of record whose address is shown in the application to be in Irvine, California. This misdirected  
15 correspondence was not received in the office of the attorney of record until February 18, 1999. Since the delivery of the correspondence occurred on 12/21/99 the action take must be within two months of this response accordingly, this Petition is a timely petition pursuant to 37 CFR 1.182. Please charge all fees due for this petition against deposit account number 19-2814.

20 Applicant filed the application at the United States Post Office late on the evening effective as of December 18, 1999 at 11:56 p.m. as Express Mail Number

EL214095539US. The attached declaration showing that the Post Office acknowledged deposit of such Express Mail on December 18, 1999 is attached hereto and incorporated herein by reference. The Express Mail envelope was hand delivered on or about 11:45 p.m.

5           However the postal clerk who received the package marked it as December 19, 1999 because the clerk had already changed the postal stamp to the next day. On discovery of the post dating by the clerk, the attorney of record pointed out to the clerk that the date was incorrect. The clerk indicated that the date stamp had already been changed to the next day and the clerk was assigning the truck pickup time of 12:01 a.m. 10   12/19/99 to all mail. A supervisor who had observed the deposit of the Express Mail with the clerk interceded and advised the clerk in the presence of the attorney of record that it is the policy of the Santa Anna Main Post Office to accept and mark all Express Mail as of the date and time actually received and that Express Mail is to be accepted up to midnight of that date and is not to be post dated.

15           The clerk was directed by the supervisor to change the date stamp and mark the receipt with the correct the date of deposit of the Express Mail package as 12/18/99 and to enter the corrected date and time into the Post Office computer tracking system. This was done and a copy of the corrected receipt is attached to the declaration of the attorney of record. However, the Post Office computer records show the deposit of the Express 20   Mail package into the Postal system on 12/18/99 at 11:56 p.m. and in transit to the truck pickup station for pickup at 12:01 a.m. on 12/19/99 and that the package was delivered to the U.S. Patent Office on December 21, 1999 at 1:49 p.m.

          These records are available on the U.S. Post Office web site at <http://www.usps.gov/cgi-bin/cttgate/ontrack2.cgi>. This site is an excellent source to 25   check the actual recorded date that Express Mail is deposited as acknowledged by the U.S. Post Office. If an Express Mail deposit is not deposited with the Post Office by a given date then that date would not appear in the Post Office Express Mail tracking site. A print out of the various dates logged by the U.S. Post Office is attached to the declaration of the attorney of record.

30           This is not a case of the documents being dropped into a mail box for later delivery to the Express Mail Center. Rather this was a case of face to face delivery to postal personnel at the Express Mail Center at or about 11:45 p.m. and an a post dating of

such document by a clerk who did not want to change a date stamp already changed to the next day contrary to the policy of the main post office at Santa Anna, California which accepts Express Mail up to midnight of each day.

37 USC 1,16 requires as follows:

"Receipt of correspondence

"... (2) Correspondence filed in accordance with §1.10 will be stamped with the date of deposit as "Express Mail" with the United States Postal Service..."

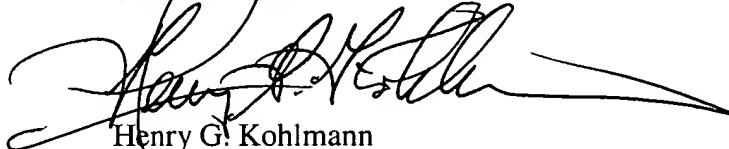
Since both a corrected Express Mail receipt showing the circular date stamp

having the date 12/18/99 and the Post Office Computer records which show the Express

Mail deposited in the Post Office system as of 12/18/99 provide two independent items of evidence which are consistent to prove up a deposit of the Express Mail in question with the U.S. Post Office as of 12/18/99, it is respectfully requested that the filing date of the above identified application be corrected to correspond with the actual date of deposit of the Express Mail in question with the U.S. Post Office on 12/18/99.

Respectfully Submitted

Snell & Wilmer



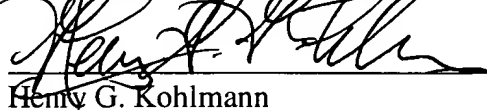
Henry G. Kohlmann  
Attorney of Record  
(949) 253-2737

Mail certification

Date of deposit

February 22, 2000

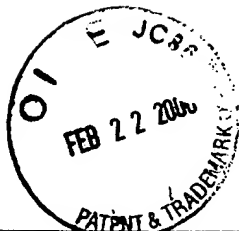
I hereby certify that the attached correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee service pursuant to 37 CFR § 1.10, Express Mail No. EL221119350US, on **February 22, 2000** postage prepaid and is addressed to the Commissioner for Patents, Washington, DC 20231.



Henry G. Kohlmann

Date: February 22, 2000

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/467,669	12/19/99	2785	360.00	2785 3515.1000	28	106	37

**RECEIVED**

020322  
SNELL & WILMER  
ONE ARIZONA CENTER  
400 EAST VAN BUREN  
PHOENIX AZ 85004-0001

FEB 18 2000

**SNELL & WILMER**

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) DAVID C. RASMUSSEN, PLACENTIA, CA; JOHN G. GABLER,  
IRVINE, TX; RONALD L. POPP, LAKE FOREST, CA.

CONTINUING DATA AS CLAIMED BY APPLICANT-  
PROVISIONAL APPLICATION NO. 60/112,832 12/18/98

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 02/02/00

TITLE  
METHOD AND APPARATUS FOR PROCESSING CONTROL USING A MULTIPLE  
REDUNDANT PROCESSOR CONTROL SYSTEM

PRELIMINARY CLASS: 714

**RECEIVED**

FEB 18 2000

**SNELL & WILMER L.L.P.**

DATA ENTRY BY: BELL, DOROTHY

TEAM: 04 DATE: 02/02/00

(See reverse for new important information)

LICENSE FOR FOREIGN FILING ORDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "FOREIGN FILING LICENSE GRANTED" followed by a date appears on the reverse side of this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.11. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related application(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "FOREIGN FILING LICENSE GRANTED" DOES NOT appear on the reverse side of this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PLEASE NOTE ---- The Following Information about the Filing Receipt:**

The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.

The words "new," "improved," "improvement," "improvements in or relating to" are not included as the first words in the title of an application because a patent application is, by nature, a new idea or improvement.

The title may be truncated if it consists of more than 4 lines of 70 characters each (letters and spaces combined).

The inventor information may be truncated if the family name consists of more than 25 characters (letters and spaces combined) and if the given name consists of more than 25 characters (letters and spaces combined). The inventor's residence allows for up to 40 characters (letters and spaces combined).

The docket number allows a maximum of 12 characters.

If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."

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Please direct correction, including a copy of your Filing Receipt, to:

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Washington, DC 20231